IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.1783 of 1981
Date of Decision:29.08.2007

The Saraswati Industrial Syndicate Ltd., and another
.....Petitioners

Vs.

The Union of India and Others
.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. M.L.Sarin, Senior Advocate with
Mr. Hemant Sarin, Advocate for the petitioners.

Mr. S.K.Sharma, Advocate for the respondents.

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The challenge in the present petition is to the notification dated 13.11.1980 issued by Ministry of Agriculture (Department of Food) regarding fixing the price of the levy sugar produced in 1980-81.

Learned senior counsel for the petitioners submits that the issue regarding fixing of price of levy sugar has already been gone into by this Court in **The Batala Co-operative Sugar Mills Ltd. Batala v. The Union of India and others,** 1996(1) PLR 403, wherein relying upon a judgment of Delhi High Court in **Sugar Mills Company Ltd. v. Joint Secretary (Sugar) Government of India,** AIR 1984 Delhi 282, a direction has been given to the Central Government to take action in accordance with law keeping in view the judgment of Delhi High Court in **Sugar Mills Company Ltd.'s case (supra).** Learned counsel for the petitioners had further relied upon a judgment of Hon'ble the Supreme Court in **Shri Malaprabha Co-op. Sugar Factory Ltd. etc. v. Union of India and another,** JT 1993(6) SC 561 wherein the issue regarding determination of the price of levy sugar, has been gone into in detail.

Learned counsel appearing for the respondents does not dispute the fact that the issue in the present petition is squarely covered by judgment of this Court in **The Batala Co-operative Sugar Mills Ltd. Batala's case (supra).**

Accordingly, the present petition is allowed in terms of the judgment of this Court in **The Batala Co-operative Sugar Mills Ltd. Batala's case (supra).** The reasons recorded therein shall form part of this order.

August 29, 2007 **(RAJESH BINDAL)**
renu **JUDGE**